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DE RUEHPU #0336/01 0591950  
ZNR UUUUU ZZH  
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FM AMEMBASSY PORT AU PRINCE  
TO RUEHC/SECSTATE WASHDC PRIORITY 7783  
INFO RUEHZH/HAITI COLLECTIVE PRIORITY  
RUEHBR/AMEMBASSY BRASILIA PRIORITY 1814  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 1619  
RUEHDG/AMEMBASSY SANTO DOMINGO PRIORITY 0741  
RUEHQU/AMCONSUL QUEBEC PRIORITY 1042  
RHEFHLC/DHS WASHDC PRIORITY  
RUEATRS/DEPT OF TREASURY WASHDC PRIORITY  
RUEHC/DEPT OF LABOR WASHDC PRIORITY  
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY  
RUMIAAA/HQ USSOUTHCOM J2 MIAMI FL PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1441

UNCLAS SECTION 01 OF 05 PORT AU PRINCE 000336

SIPDIS

SENSITIVE  
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G/TIP FOR BJFLECK  
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STATE FOR WHA/PPC, WHA/EX AND WHA/CAR FOR CWARD  
WHA/EX PLEASE PASS USOAS  
STATE PLEASE PASS AID FOR LAC/CAR  
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SOUTHCOM ALSO FOR POLAD  
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E.O. 12958: N/A  
TAGS: [ASEC](#) [ELAB](#) [HA](#) [KCRM](#) [KFRD](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREF](#)  
PREL, SMIG  
SUBJECT: HAITI'S SUBMISSION FOR THE EIGHTH ANNUAL TIP REPORT  
REF: A. STATE 2731

[B](#). 07 PORT AU PRINCE 1930  
[C](#). 07 PORT AU PRINCE 2031

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[1](#). This message is sensitive but unclassified -- please protect accordingly.

The following are Post's responses to refel questions.

[2](#). (SBU) OVERVIEW OF HAITI'S ACTIVITIES TO ELIMINATE TRAFFICKING IN PERSONS:

[A](#). Trafficking in persons in Haiti mainly involved the internal movement of children from the countryside into urban areas for domestic labor in a practice called, in Creole, "restavek" (derived from the French words "rester avec" meaning "to stay with".) Throughout the reporting period, poor, rural families continued to send their children to work as domestics for wealthier families or less poor family members in the hopes that the child will enjoy a better quality of life and receive an education. Girls between the ages of six and fourteen are more vulnerable for placement in urban households, while boys usually fulfill agricultural servitude roles. The informal practice has existed in Haiti for decades and is directly related to the country's poverty and lack of economic alternatives. While some restaveks received adequate care including an education, the Ministry of Social Affairs and NGOs believed that many host families compelled the children to work long hours, provided them little nourishment, and frequently beat and abused them. The

majority of restaveks worked in homes where the yearly income was very low, consequently, conditions, food, and education for nonbiological children were not priorities. Although not all restaveks are victimized in this process, significant numbers are sexually exploited or otherwise abused. Reliable figures are difficult to obtain. The GOH estimates that between 90,000 to 120,000 children are restaveks, while UNICEF estimates that there are between 250,000 and 300,000 restaveks in the country (reftel B).

While most trafficking occurs within the country's borders, Haitian children also are trafficked into the Dominican Republic where some are similarly exploited. Large numbers of Haitian economic migrants illegally enter the Dominican Republic where some become trafficking victims. Recent figures are not available, but the most recent study of trafficking across the border in August 2002, conducted jointly by UNICEF and IOM, found that between 2,000 and 3,000 Haitian children were sent to the Dominican Republic each year.

On a smaller scale, Haiti is a transit and destination country. Women from the Dominican Republic are frequently trafficked into Haiti for prostitution. Anecdotal reports indicate that many of these women travel voluntarily, but some are victims of trafficking.

1B. Overview provided in item A above. There has been no change in the trafficking situation in Haiti within the reporting period.

1C. Government agencies involved in anti-trafficking efforts are:

- The Social Welfare Institute (IBESR)
- The Ministry of Social Affairs and Labor (MAST)
- The Ministry of Interior
- The Ministry of Justice

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- The Ministry of Foreign Affairs
- The Haitian National Police's (HNP) Brigade for the Protection of Minors (BPM)

IBESR and the BPM co-jointly are the lead agencies against trafficking of children in Haiti.

MAST is legally responsible for matters relating to child abuse/exploitation, while IBESR often takes the lead in anti-trafficking issues regarding children. The BPM, which serves as the child protection unit within the HNP, has the responsibility of implementing child protection measures; however as a matter of policy, it does not seek or pursue restavek cases given the absence of legal penalties against the practice. The BPM does have two holding cells in Port-au-Prince in which to temporarily house minors.

1D. The government's ability to adequately address trafficking in persons continues to be hampered by lack of available government resources to devote to the issue, by government corruption, and by perpetually weak institutions. The absence of criminal penalties for having restaveks in conjunction with society's acceptance of the practice remains formidable impediments to eradicating the practice. However the GOH, with assistance from NGOs, has drafted anti-trafficking legislation which is in the review process before its presentation to parliament. Additionally, the Ministry of Women's Affairs presented to Parliament in December 2007, three pieces of legislation aimed at institutionalizing women's rights as well as equal rights for domestic workers, including protective measures for exploited child workers. The legislation is currently pending passage in Parliament (reftel C).

1E. The GOH does not have a systematic monitoring mechanism for its anti-trafficking efforts, and does not provide a periodic assessment of those efforts.

13. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

1A. Haiti does not have a law specifically prohibiting the trafficking of persons, either for sexual or non-sexual purposes. Howe\UI?QQRnd children.

(NOTE: On June 5, 2003, parliament repealed Chapter 9 of the Labor Code, a 1961 law governing the treatment of child domestic servants ("les enfants en service") and replaced it with provisions prohibiting the abuse, trafficking and exploitation of all children, whether employed or not. However, in adopting the new law, parliament neglected to include a penalty provision. Unless a court attempts to link the law with some other statutory penalty provision, the repeal effectively deregulates and decriminalizes having child domestic servants. Consequently, the HNP does not pursue restavek cases. End note.)

1B. Haiti has no specific penalties for trafficking people for sexual exploitation.

1C. Haiti has no specific penalties for trafficking for labor exploitation.

1D. In September 2005, the president of the interim government issued a decree criminalizing rape and making it punishable

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by law. The penalty for rape is 10 years, 15 years for aggravated rape, and life or hard labor for premeditated and planned rape. There is no specific penalty for, or statute prohibiting, the crime of trafficking for commercial sexual exploitation.

1E. Prostitution is illegal in Haiti, but there are no specific penalties for persons engaging in related activities such as brothel owners/operators, clients, pimps or enforcers.

1F. The government has not prosecuted any cases against traffickers.

1G. The GOH does not provide training for government officials in how to recognize, investigate and prosecute trafficking, though some training is provided by NGOs.

1H. Post is not aware of the GOH's cooperation with other governments in the investigation or prosecution of trafficking.

1I. Haitian law prohibits the extradition of Haitian citizens charged with trafficking in other countries, and there is no effort within the GOH to modify that law.

1J. There is no evidence that the GOH is involved in or tolerates trafficking; however, trafficking is not an offense per se in Haitian legal code.

1K. Not applicable.

1L. Post is not aware of any Haitian nationals employed in peacekeeping efforts abroad. Haiti does not have a standing army.

1M. Haiti does not have an identified child sex tourism problem.

14. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

1A. Post is unaware of any GOH assistance provided to foreign trafficking victims.

1B. Because of lack of resources, the GOH provides few direct

resources to assist victims of trafficking. The renovation of a GOH-owned shelter for children in Carrefour, located outside Port-au-Prince, is complete. The GOH, with help from international donors, initiated additional renovations such as a new kitchen facility. (Note. Even though the GOH owns the facility, a Catholic order runs the shelter on the premises. End note.) The BPM has two holding cells for child victims of trafficking, but as a matter of policy, the BPM does not pursue trafficking cases. Consequently the cells, for the most part, remain unutilized. However, assistance is provided by NGOs to include food, school fees, medical aid, transportation, informal education, shelter, and (in some cases) reinsertion and safe migration and return to region of origin. NGOs provided services to thousands of repatriated Haitians (returning from the Dominican Republic) and hundreds of homeless children, but it is unclear exactly how many of those recipients were victims of trafficking.

1C. The GOH does not provide funding or other forms of support to NGOs for services to victims of trafficking.

1D. There is no formal system for law enforcement or social

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services personnel to identify victims of trafficking among high-risk persons with whom they come in contact.

IBESR does refer victims of child trafficking to NGOs which provide return and reintegration services. However, IBESR does not actively provide such services or engage in monitoring the children during that process.

1E. Not applicable.

1F. There is no evidence that victims are fined, prosecuted, detained, jailed or deported.

1G. As the GOH's record of prosecuting trafficking cases is virtually non-existent, there is no evidence to indicate whether the GOH encourages victims to assist in the investigation and prosecution of trafficking. Victims may file civil suits against the traffickers, but due to Haiti's inefficient judicial system, such lawsuits may take years to litigate and most victims do not have the resources to pursue such litigation. The GOH does not have a victim restitution program.

1H. In general, the GOH does not provide protection, shelter or assistance to victims and witnesses. The GOH refers trafficking victims to NGOs for services. The extent of GOH and NGO services are described in paragraph 4B above.

1I. The GOH does not provide specialized training for government officials relating to trafficking.

1J. The GOH does not provide assistance to its repatriated nationals who are victims of trafficking. However, it does provide a small sum (approximately \$10US) to many repatriated citizens (whether or not victims of trafficking) to assist in their return to their region of origin.

1K. Services to victims of trafficking are provided primarily by governmental and inter-governmental agencies, which include the International Office of Migration (IOM), and USAID, and NGOs, including the Group Supporting Refugees and Repatriated Citizens (GARR), the Pan-American Development Foundation (PADF), Save the Children and various local missions and community organizations. The GOH does not have the financial or human resources to provide such services, but it does cooperate in referring and coordinating such services with NGOs.

15. (SBU) PREVENTION:

1A. The GOH does acknowledge that trafficking (restaveks) is a

problem and has taken some steps, with international assistance, to address the issue. These steps include cooperating with NGOs in drafting legislation to criminalize having restaveks and in referring or coordinating victim services provided by NGOs. (Note: The draft legislation has yet to pass parliament. End note.)

1B. Because of lack of resources, the GOH does not sponsor anti-trafficking information and education campaigns. However, NGOs did sponsor such programs in cooperation with the GOH and GOH representatives did participate. For example, the USAID implementing partner for its anti-trafficking program provided technical assistance and training to the BPM and to IBESR.

1C. The GOH maintains positive relationships with NGOs and

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civil society groups working to address the issue. GOH officials often participate in seminars and programs sponsored by NGOs and other organizations, and cooperate in anti-trafficking projects administered by NGOs. The GOH cooperated with NGOs in drafting proposed legislation criminalizing trafficking, which parliament has yet to pass.

1D. The GOH lacks the capacity to sufficiently monitor its borders. Airport officials as a matter of course will ask additional questions and demand additional documentation before clearing unaccompanied minors. Though fraudulent adoptions are generally not utilized for trafficking, the GOH has continued to tighten its process for approving adoptions which, because of the resulting procedural delays, has caused some frustration for legitimate adopting parents.

In October, MINUSTAH's mandate expanded to include securing the land and sea borders. MINUSTAH understands the mandate as one of patrolling the border, not enforcement. MINUSTAH is to assist the GOH in developing its border enforcement mechanisms. MINUSTAH currently has a platoon of 40-50 soldiers accompanied by 6 civilian police officers at four land border crossings. The HNP has also begun deploying forces at four posts along the border. Despite this beginning, there is still no effective control of the Haitian/Dominican border because of the vast expanses of the border that are not patrolled and because of corrupt officials on both sides of the border.

1E. There was an anti-trafficking inter-ministerial task force focusing specifically on children established in 2003, but the task force has not been active since February 2004. Though there is no public corruption task force, the public prosecutor for Port-au-Prince has taken the lead in the GOH's anti-corruption efforts. To date, the public prosecutor has not prosecuted any trafficking cases.

1F. The GOH does not have a national plan of action to address trafficking in persons.

1G. The GOH has not taken any measures to reduce the demand for sex acts.

1H. Not applicable.

1I. Not applicable.

16. (SBU) HEROES AND BEST PRACTICES:

1A. Post has no nominations for the heroes category.

1B. Post has no selections for the best practices category.

17. (U) Embassy Human Rights Officer David Jeffrey is the point of contact on trafficking issues. He can be reached at 011-509-222-0200 x8098 or at JeffreyD@state.gov. Mr. Jeffrey

spent approximately 40 hours on compiling and drafting the report. (NOTE: After April 18, 2008, please refer all inquiries to Kelly J. Tucker at TuckerKJ@state.gov or 011-509-222-0200 x8342. The fax number for Mr. Jeffrey and Ms. Tucker is 011-509-224-4384. End note.)  
SANDERSON